

## Request for Council Action

Originator Engineering	Item <b>Preliminary and Final Plat of PEROGY PALACE Case File No. PL201600137</b>
Agenda Section CONSENT BUSINESS	Date 9/12/2016
Description	

### GENERAL INFORMATION

Applicant:	Steve Sauber – Country Joe Homes
Location:	10040 Pleasant Avenue South
Request:	Type I Preliminary and Final Plat
Existing Land Use and Zoning:	Vacant residential land; zoned Single Family Residential (R-1)
Surrounding Land Use and Zoning:	North – Single Family Residential; zoned R-1 South – Single Family Residential; zoned R-1
Comprehensive Plan Designation:	Residential

### CHRONOLOGY

City Council	9/12/16 Consent Business
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### DEADLINE FOR AGENCY ACTION

Application Date:	08/08/2016
60 Days:	10/07/2016
Extension Letter Mailed:	No
120 Days:	12/06/2016

### STAFF CONTACT

Bruce Bunker, Engineering Technician  
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## PROPOSAL

Steve Sauber of Country Joe Homes, requests the preliminary and final plat approval of PEROGY PALACE, located at 10040 Pleasant Avenue South. Due to being a legally described metes and bounds parcel and the prospective site of a new single family home, this property will need to be platted. Per City Code Section 22.03(a)(2). “Platting is required to obtain a footing and foundation permit or a building permit”. “Footing and foundation permits may not be granted upon land that is not described as a platted lot.” This is considered a Type I plat, which does not require a public hearing. The proposed Plat meets or exceeds the minimum lot width and size.

## FINDINGS

### Section 22.05(d)(1-8) Preliminary Plats

**(1) The plat is not in conflict with the Comprehensive Plan;**

- The new plat is consistent with the intent and purpose of the Comprehensive Plan with regard to land use and function.

**(2) The plat is not in conflict with any adopted District Plan for the area;**

- There is not an adopted District Plan for this area.

**(3) The plat is not in conflict with the City Code provisions;**

- The proposed plat is in conformance with City Code requirements.

**(4) The plat does not conflict with existing easements;**

- Per the City’s records, there is an existing street easement over and across the west 30-feet of the property and will be dedicated in the new plat as right-of-way along with an additional 5-feet of right-of-way along the east line of the property. Also, there will be new drainage and utility easements dedicated in the new plat being 10-feet in width along both street frontages and 5-feet in width along the internal lot lines. Lastly, a new 10-foot sidewalk and bikeway easement will be conveyed by document along both street frontages.

**(5) There is adequate public infrastructure to support the additional development potential created by the plat;**

- There will not be an excess burden on public infrastructure due to approving of this new plat.

**(6) The plat design mitigates potential negative impacts on the environment, including but not limited to topography; steep slopes; trees; vegetation; naturally occurring lakes, ponds, rivers, and streams; susceptibility of the site to erosion, sedimentation or flooding; drainage; and stormwater storage needs;**

- The new plat will not have a negative impact on the environment.

**(7) The proposed plat will not be detrimental to the public health, safety and welfare;**

- The new plat will be compatible in character and function with the existing uses of the Planned Development and surrounding neighborhood. By reason of scale, access and location, it cannot be anticipated to be detrimental to the public health, safety and welfare.

**(8) The plat is not in conflict with an approved development plan or plat.**

- This new plat will not conflict with an approved development plan or plat.

Section 22.06(d)(1) Final Plats

**(1) The plat is not in conflict with the approved preliminary plat or the preliminary plat findings.**

- The final plat is consistent with the preliminary plat and preliminary plat findings.

**RECOMMENDATION**

Staff recommends the following motion:

In Case PL2016-137, having been able to make the required findings, I move to approve the preliminary and final plat of PEROGY PALACE, subject to the following conditions:

1. A title opinion or title commitment that accurately reflects the state of title of the property being platted, dated within 6 months, shall be provided;
2. A consent to plat form from any mortgage company with property interest shall be provided;
3. Park dedication in the amount of \$5,700 must be paid in cash prior to the issuance of building permits;
4. Right-of-way on Grand Avenue South shall be dedicated to the public as approved by the City Engineer;
5. Right-of-way on Pleasant Avenue South shall be dedicated to the public as approved by the City Engineer;
6. Drainage and utility easements shall be provided as approved by the City Engineer;
7. A 10-foot sidewalk and bikeway easement shall be provided along all street frontages;

And subject to the following code requirements:

1. The property must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of footing and foundation or building permits (22.03(a)(2)).

Item created by: Bruce Bunker, Engineering Technician  
Presenter (if needed): Shelly Hanson, City Engineer

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Requested Action

Approval of the preliminary plat and adoption of a resolution granting approval of the final plat of PEROGY PALACE located at 10040 Pleasant Avenue South is recommended subject to the completion of the above conditions, receipt of title, necessary documents and deposits, and review of all documents by the City Attorney.

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Attachments:

Resolution  
Preliminary Plat  
Final Plat